

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 3:23CR-251-KDB
)	
vs.)	DEFENDANT’S SENTENCING
)	MEMORANDUM AND MOTION
NAKEDRA SHANNON,)	FOR DOWNWARD VARIANCE
)	
Defendant.)	
_____)	

NOW COMES Defendant, by and through counsel, and hereby respectfully submits the following sentencing memorandum and motion for downward variance in this case.

Defendant Shannon moves for a downward variance below the advisory guideline range set forth in the PSR. The reasons in support of this motion are as follows.

Shannon has no criminal convictions and therefore has no criminal history points. As PSR Paragraphs 105-106 demonstrate, she has a long record of gainful employment. (The PSR erroneously states that she worked at the U.S. Postal Service from 2016 until she was terminated for the conduct in this case—but the correct start date of her employment was 2020.)

She has also been a single parent raising four children while working. These children are all under ten years of age. Additionally, she just gave birth on December 22 to her fifth child, Kali Dream Gardner. (See Exhibit A). On the date of sentencing, that child will not even be two months old yet. While Shannon has striven to take care of her children while working, she has had the back-up of her parents. Since being arrested and charged in this case, her parents Samuel and Jenesia Shannon have had to step up their role due to their daughter’s legal situation.

Defendant Shannon's children will be without their mother for a period of years, the exact period to be decided by this Honorable Court. The burden will fall on Shannon's parents to take care of her five children while she serves her sentence. Not only will Shannon be punished for her crimes, but her parents and her children will also bear the loss of her presence.

Shannon has impressed many people with her character and dedication to her children. The attached letters from Melinda Crockett, Todette Bryant, Tawana Goines, Lewanda Harris, and Kimberly Morrow all attest to Shannon's positive attributes. (See Exhibit B). It is mystifying why someone who has demonstrated such character would commit the offenses for which she will be sentenced. However, she has fully accepted responsibility and understands that she needs to be punished. On the other hand, she asks this Honorable Court for its consideration in crafting a sentence that minimizes the number of years her children will be without her.

Defendant Shannon respectfully submits that a sentence of 78 to 97 months, as set forth in the PSR, is greater than necessary to accomplish the sentencing directives of Section 3553(a). Shannon respectfully submits that a sentence of no more than 60 months would be sufficient but not greater than necessary to comply with the purposes of Section 3553(a)(2). Such a sentence would constitute serious punishment and would provide adequate general and specific deterrence.

Accordingly, for all the reasons stated above, Shannon respectfully moves this Honorable Court for a downward variance below the advisory guideline range and to adjudge a sentence that is sufficient but not greater than necessary to comply with the sentencing purposes set forth in Section 3553(a)(2). Shannon respectfully submits that such a sentence would be no more than 60 months.

Respectfully submitted this 30th day of January 2025.

s/ Mark Foster
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CERTIFICATE OF SERVICE

The undersigned Attorney hereby certifies that he served a copy of the foregoing upon the United States Attorney electronically through the electronic case filing system to counsel of record for the government.

January 30, 2025

s/ Mark Foster

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